



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16345

PERMIT 10234

LICENSE 6234

THIS IS TO CERTIFY, That

L. Dal Porto and J. Dal Porto
c/o George B. Raab
109 E. Weber Avenue
Stockton, California

have made proof as of May 11, 1960,

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of Burns Cutoff in San Joaquin County

tributary to San Joaquin River

for the purpose of irrigation use

under Permit 10234 of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from April 26, 1955 and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed three (3) cubic feet per second from either or both points of diversion to be diverted from January 1 to December 31 of each year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights.

The point s of diversion of such water are located :

- (1) Due east fifty (50) feet from center of Section 12, T1N, R5E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.
- (2) Due south one hundred (100) feet from NW corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T1N, R5E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.

A description of the lands or the place where such water is put to beneficial use is as follows:

17 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T1N, R5E, MDB&M
17 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T1N, R5E, MDB&M
40 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T1N, R5E, MDB&M
40 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T1N, R5E, MDB&M
40 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T1N, R5E, MDB&M
40 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T1N, R5E, MDB&M
27.2 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T1N, R5E, MDB&M
25 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T1N, R5E, MDB&M

246.2 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

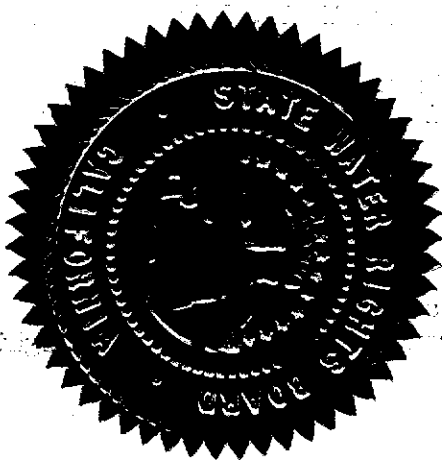
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 11 1961



L. K. Hill
L. K. Hill
Executive Officer

1/10/96 Not of asgd: App#16345 Lic#6234
Jean Ann Brodie et al

LICENSE 6234
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO L. Dal Porto and J. Dal Porto

DATED APR 11 1961

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 16345 Permit 10234 License 6234

**ORDER CORRECTING POINT OF DIVERSION,
REVOCATION OF ORIGINAL LICENSE
AND
ISSUANCE OF SEPARATE LICENSES**

WHEREAS:

1. License 6234 was issued to L. Dal Porto and Dal Porto on April 11, 1961 pursuant to Application 16345 and recorded with the County of San Joaquin County in Book 2403 and page 23 on April 12, 1961.
2. License 6234 was subsequently issued to Jean Ann Brodie, and Robert Silva, et al.
3. State Water Resources Control Board staff determined the location for Point of Diversion (2) should be corrected to agree with the current (7.5') U.S. Geological Survey map-Stockton West.
4. A request for issuance of separate licenses to cover each of the licensee's respective interest was filed with the State Water Resources Control Board (SWRCB) by Ms. Jean Ann Brodie (daughter of licensee) on April 10, 1995.
5. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with Section 780(a), Title 23, of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description of the point of diversion (2) be corrected to read as follows:
Due South 100 feet and West 350 feet from center of projected Section 12, T1N, R5E, MDB&M, being within SW¼ of SE¼ of said Section 12, also described by California Coordinate System, Zone 3, N 527,250 and E 1,748,650.
2. License 6234 be replaced by License 6234A issued to Jean Ann Brodie and License 6234B issued to Robert Silva, et al.
3. Superseded License 6234 is hereby revoked upon issuance of License 6234A and 6234B.
4. Separate licenses be issued as follows:
 - A. License 6234A
Owner: (Application 16345A
Jean Ann Brodie
120 Whitburn Court
Stockton, CA 95210

Source Burns Cutoff tributary to
San Joaquin River in

Use:
Amount:

San Joaquin County
Irrigation
1.5 cubic feet per second(cfs)
from either or both Points of Diversion
(1) and (2)
Maximum Annual Use: 624 acre-feet

Season:
Point(s) of
Diversion:

January 1 to December 31

(1) Due East 50 feet from
center of projected Section 12,
T1N, R5E, MDB&M, being
within NW¼ of SE¼ of said Section 12,
also described by California
Coordinate System, Zone 3, N 528,500
and E 1,748,100.
(2) Due South 100 feet and West
350 feet from center of projected Section 12,
T1N, R5E, MDB&M, being within
SW¼ of SE¼ of said Section 12, also
described by California Coordinate
System, Zone 3, N 527,250, and
E 1,748,650.

Place of
Use:

40.0 acres within NE¼ of SW¼ of
projected Section 12, T1N, R5E,
MDB&M.
40.0 acres within the SE¼ of SW¼ of
projected Section 12, T1N, R5E,
MDB&M.
46.2 acres within the W¼ of SE¼ of
projected Section 12, T1N, R5E,
MDB&M.
126.2 acres total as shown on map
dated January, 1998 on file with the
State Water Resources Control Board,
and identified by Assessor Parcel
No: 131-370-03 and 131-370-06.

B.

License 6234B
Owner:

(Application 16345B)
Robert Silva, et al
992 E. Edison St.,
Manteca, CA 95336

Source:

Burns Cutoff tributary to
San Joaquin River in San Joaquin
County

Use:
Amount:

Irrigation
1.5 cubic feet per second
Maximum Annual Use: 624 acre-feet
January 1 to December 31

Season:
Point of
Diversion:

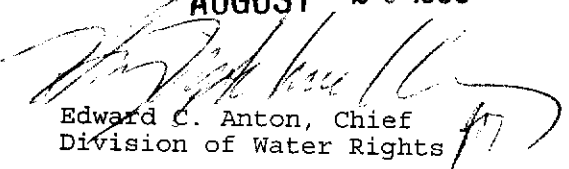
(1) Due East 50 feet from center of
projected Section 12, T1N, R5E,
MDB&M, being within NW¼ of SE¼ of
said Section 12, also described by
California Coordinate System Zone 3,
N 528,500 and E 1,748,100.

Place of
Use:

- 20 acres within the NE¼ of SE¼ of projected Section 11, T1N, R5E, MDB&M.
- 20 acres within the SE¼ of SE¼ of projected Section 11, T1N, R5E, MDB&M.
- 40 acres within the NW¼ of SW¼ of projected Section 12, T1N, R5E, MDB&M.
- 40 acres within the SW¼ of SW¼ of projected Section 12, T1N, R5E, MDB&M.
- 120 acres total as shown on map dated, January, 1998 with the State Water Resources Control Board, and identified by Assessor Parcel No:131-370-05-8 and 131-250-03-7.

5. License 6234A and 6234B shall contain all other terms and conditions as presently in License 6234 or updated terms to reflect present SWRCB policy including the SWRCB's continuing authority terms as contained in Title 23, California Code of Regulations, Section 780(a).

Dated: **AUGUST 20 1998**


Edward C. Anton, Chief
Division of Water Rights